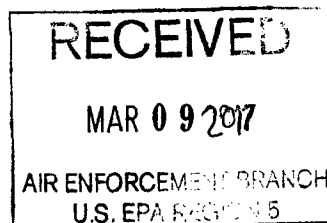




John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director



CERTIFIED MAIL # 91 7108 2133 3932 1837 1707

February 28, 2017

**Re: Shelly Materials Plant No 94
Notice of Violation (NOV)
Air Permit
Licking County
0145000399**

Beth Mowrey
P.O. Box 266
Thornville, OH 43076

Subject: Notice of Violation

Dear Ms. Mowrey:

On February 24, 2017, the Ohio EPA completed a review of compliance reports submitted by Shelly Materials Plant No 94 (Shelly 94) through the Ohio EPA's eBusiness Center: Air Services online web portal. The goal of reviewing these compliance reports was to determine the facility's compliance with the Ohio EPA, Division of Air Pollution Control's laws as found in Chapter 3704 of the Ohio Revised Code (ORC), rules as found in Chapter 3745 of the Ohio Administrative Code (OAC), and the terms and conditions of Shelly 94's federally-enforceable permit-to-install-and-operate (FEPTIO) P0108020 issued on May 5, 2011.

Findings

The Ohio EPA identified the following violations of Ohio's ORC Chapter 3704, OAC Chapter 3745, and FEPTIO P0108020. In order to bring your facility into compliance, we recommend promptly addressing these violations within 30 days of your receipt of this letter.

1. **ORC Chapter 3704.05(C):** *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

PTIO P0108020, Term C.1.b)(1)b.: *"VOC emissions shall not exceed 21.1 tons per rolling, 12-month period."*

- a) On January 31, 2017, Shelly 94 submitted a quarterly deviation compliance report identifying an exceedance of the rolling, 12-month VOC emissions limitation established in FEPTIO P0108020. The report indicates that Shelly 94 exceeded the rolling, 12-month VOC emissions limitations for both the December 2015 to November 2016 and January 2016 to December 2016 rolling, 12-month periods. These exceedances were also identified in the permit evaluation report (PER) for the 2016 PER reporting year (January 1 to December 31, 2016) submitted on February 8, 2017.

The rolling, 12-month VOC emissions limitation was established in FEPTIO P0108020 pursuant to OAC rule 3745-31-05(C). Both compliance reports identified rolling, 12-month VOC emissions of 21.98 tons and 21.87 tons for the December 2015 to November 2016 and January 2016 to December 2016 rolling, 12-month periods, respectively.

- b) Requested action: Within 30 days of receipt of this letter, Shelly 94 shall submit a compliance plan to the Ohio EPA which will address how the facility will address the violations identified above.

Conclusion

Due to the expected operating schedule of asphalt facilities in Ohio, it is anticipated that Shelly 94 will experience further exceedances of the rolling, 12-month VOC emissions limitation for the February 2016 to January 2017 and March 2016 to February 2017 rolling, 12-month periods even if the asphalt plant doesn't operate during February and March 2017. It is also possible that when the asphalt plant begins operating during the asphalt production season in March or April 2017, further exceedances of the rolling, 12-month asphalt production limitation may be experienced.

Shelly 94 should continue to identify any exceedances of the rolling, 12-month VOC emissions limitation in the appropriate quarterly deviation compliance reports, as required by the terms and conditions of FEPTIO P0108020.

The Ohio EPA requests that Shelly 94 promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. If you have already resolved the violations listed above, thank you, and please provide documentation supporting compliance. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate.

Failure to comply with Chapter 3704. of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, Shelly 94 is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

If you have any questions, please do not hesitate to contact Ben Halton by phone at (614) 728-3809 or by e-mail at benjamin.halton@epa.ohio.gov.

Sincerely,



Kelly Saavedra
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c: Kelly Toth, Manager, DAPC/CDO
e: John Paulian, DAPC/CO
James Kavalec, DAPC/CO
Kelly Saavedra, Supervisor, DAPC/CDO
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